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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,946

05/14/2002

Olli Kirla

4925-227PUS

8926

7590

04/05/2006

Michael C Stuart
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EXAMINER

SHAH, CHIRAG G

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,946

Applicant(s)

KIRLA, OLLI

Examiner

Chirag G. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2nd Preliminary Amendment 7/16/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 19, 21, and 23 is/are rejected.
- 7) ☒ Claim(s) 19-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because in line 4, "said processing and restoration methods" is used. Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is objected to because in line 5, "said first point and second point" is used. Correction is required. See MPEP § 608.01(b).
4. The abstract of the disclosure is objected to because in line 7, "said parts" is used. Correction is required. See MPEP § 608.01(b).
5. The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

6. Claim 1, line 18 and claim 19, line 15 objected to because the word "characterized" does not further limit the claim. Appropriate correction to replace the word is required.

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7. Claim 1, lines 16 and 23 objected to, please replace “so that” with “such that” or in a manner such that patentable weight may be given. Appropriate correction to replace the word is required.
8. Claim 19, line 23 objected to, please replace “so that” with “such that” or in a manner such that patentable weight may be given. Appropriate correction to replace the word is required.
9. Claims 19, 20 and 23 objected to, please include a “:” after the word “comprises” or “comprising”. Appropriate correction to replace the word is required.
10. Claim 4 objected to because of the following informalities: In claim 4, line 4, please change the spelling of “chancing” to “changing”. Appropriate correction is required.
11. Claim 1, line 5, include “the” or “said” before “information”.
12. Claim 5, line 2, replace “a” with either “the” or “said”.
13. Claim 10, line 2, include “the” or “said” before “processed”.
14. Claim 11, line 2, include “the” or “said” before “processed”.
15. Claim 11, line 5, replace “a” with either “the” or “said” with respect to first and second transfer rate.
16. Note: Please recheck the entire claim set for potential antecedent issues. The claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 112

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Regarding claims 1, 7, 9, 11, 19, 20, 21, and 23 the words "certain set" or "certain part" or "certain transfer rate" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. The phrase including "certain" is open-ended and a question arises as to what certain really is. A suggestion that the Examiner recommends is to replace "certain" in such instances in the respective claims above with "given". In addition, please correct additional "certain" disclosed in claims that may have been overlooked during examination.

Claim Rejections - 35 USC § 101

19. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 appears to be a 1 to 1 correspondence to figure 4, which is nothing but number manipulation/calculation of certain mathematical equation or algorithm. According to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, section ANNEX 5, claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are complex to analyze and are addressed herein. If the

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“acts” of a claimed process manipulate only numbers, abstract concepts (as in the case of claim 1) or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Benson, 409 U.S. at 71-71, 175 USPQ at 676. Thus, a process consisting solely of mathematical operation or algorithms or data gathering without any practical application cannot constitute a statutory process.

Allowable Subject Matter

20. Claims 19-25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and minor grammatical objections, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7682. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs

March 22, 2006

A handwritten signature in black ink, appearing to read 'Chirag Shah', is written over the printed name.

Chirag Shah
Patent Examiner, Division 2616